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Via Electronic Court Filing

Hon. Claire C. Cecchi, U.S.D.J.
United States District Court of New Jersey
Martin Luther King Building
50 Walnut Street
Newark, NJ 07101

Re: D'Antonio v. Borough of Allendale, et als.
Civil Action No. 2:16-cv-00816 (CCC) (JBC)
Plaintiff's Motion Seeking Appointment of Pro Bono Attorney & Other Relief
Returnable: October 16, 2017

Dear Judge Cecchi:

I am a defendant in this action and represent myself in this case. Please accept this Letter Brief in lieu of a more formal brief in opposition to Plaintiff's Motion Seeking Appointment of Pro Bono Attorney, Judgment of Default Against Thomas Monahan, Louis Capazzi, Signed Writ of Execution, Re-instatement of Rule 26 Discovery and Mandatory Arbitration/Settlement. This opposition is directed to that portion of Plaintiff's motion requesting appointment of Pro Bono counsel, re-instatement of Rule 26 discovery and his request for mandatory arbitration/settlement.

In the first instance, I join in the arguments set forth in the Letter Brief filed by Mary McDonnell, Esq. on behalf of the Borough of Allendale defendants. Plaintiff has failed to submit any basis for appointment of Pro Bono counsel at this time.

Plaintiff has also failed to obtain leave of Court to file this motion as required by Order of Magistrate Judge James B. Clark entered on August 5, 2016 (Docket No. 64). That Order was entered to prevent Plaintiff from filing motions that waste the Court's time and that of opposing counsel. This motion by Plaintiff is a clear example of such a wasteful motion. In Paragraph 4 of his motion, Plaintiff asserts that since default has been entered against Thomas Monahan and Louis Capazzi on his Amended Complaint, the Amended Complaint has been accepted by the Court and is therefore enforceable or effective as to all of the other defendants. Plaintiff completely ignores the fact that there are a series of motions to dismiss the Amended Complaint

which are pending, and in fact, the Amended Complaint may still be dismissed as to the other defendants, including myself. Accordingly, Plaintiff has set forth no basis whatsoever for proceeding with discovery or with mandatory arbitration or settlement conferences in this matter.

For the reasons set forth above, it is respectfully submitted that Plaintiff's within Motion must be dismissed.

Respectfully submitted,

/s/ Richard A. Epstein, Esq.

cc: Michael A. D'Antonio (Via ECF)
All Counsel (Via ECF)